



STAFF REPORT

Public Hearing to Consider Amendments to Chapter 25, Belmont Municipal Code, Trees

Honorable Mayor and Council Members:

Summary

Pursuant to City Council instruction, the staff is now in the process of proposing amendments to each chapter of the Belmont Municipal Code. The purpose of this comprehensive review is to update the code book by deletion of outdated material and insertion of language changes to reflect current City policy, practice and changes in the law since the adoption or last amendment to the code book.

Background and Discussion

On November 25, 2003, staff presented a report to the City Council regarding proposed amendments to Chapter 25 of the Belmont Municipal Code, Trees. A copy of the November 25, 2003 staff report is attached (see Attachment 1). On that evening, the Council gave direction to staff to limit proposed ordinance changes to the size of required replacement trees (24 inch or 36 inch box trees) and the purpose of the in-lieu tree fund both found at Section 25-7. The following section includes the proposed revisions to Sections 25-7 addressing these two issues.

Proposed Revisions to Section 25-7, Decision on Application Conditions

Staff proposes that in order to implement the Council's direction given at the November 25, 2003 meeting, that the following changes be made to Chapter 25. All proposed changes to the ordinance are shown in **bold** and ~~strikeout~~.

Sec. 25-7. Decision on application conditions.

Issuance of a permit to remove trees may be conditioned upon:

- (1) Replacement up to a three (3) to one (1) basis with approved ~~15-gallon~~ **twenty-four (24) inch or thirty-six (36) inch box** trees on the subject property or an alternative site identified by the permitting authority thus offsetting the impacts associated with the permitted action.
- (2) When five (5) or more trees are removed, posting of a maintenance bond, letter of credit or cash deposit for a period of two (2) years in an amount equal to the value of the trees being planted. The purpose of the bond, letter of credit or cash deposit is to insure the availability of funds to be drawn on by the city to replace the trees if they do not survive. The bond or letter of credit shall not be released until the owner calls for and the city completes an inspection of the trees to insure their continued survival after two (2) years. The city shall charge a fee, pursuant to its adopted fee schedule for administering the above referenced bond, letter of credit, or cash deposit.
- (3) Payment of an “in lieu” fee, as established by the city in its fee schedule, to the City Tree ~~planting~~ **Fund for the establishment and maintenance of City trees.**

Attachment 2 to this staff report is the information developed by staff and the City's arborist regarding values assigned to specific types of trees. This may provide assistance to the City Council in this regard.

Fiscal Impact

The City Council considers its Master Fee Schedule in June of each year. The current in lieu fee is \$50.00. If the Council wishes to adopt revised fees prior to June 2004, it may, but a public hearing is required.

Recommendation

It is recommended that the City Council review the proposed changes to Chapter 25 and that the ordinance be introduced at this meeting by the City Council and placed on the next agenda for a second reading and adoption.

Staff also recommends a more extensive rewrite of the tree ordinance to address issues which have arisen over the years. The Parks and Recreation Commission met on February 4 to consider potential priority calendar items. The Commission requested that the Council place on its priority calendar revision of this ordinance. The Parks and Recreation Commission has indicated that it is anxious to work with staff in developing proposed amendments to the ordinance for the Council's consideration.

Alternatives

Propose additional changes that Council believes are needed from a policy perspective to update Chapter 25.

Public Contact

This matter was placed on the agenda and posted as required by the California Government Code.

Attachments

1. November 25, 2003 staff report
2. Draft Tree Removal Fee Schedule

Respectfully submitted,

JEAN B. SAVAREE
City Attorney